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10/566,481

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Moshe Einat

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07/16/2009

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EXAMINER

SOLOMON, LISA

ART UNIT

PAPER NUMBER

2861

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/566,481 | <b>Applicant(s)</b><br>EINAT ET AL. |  |
|                              | <b>Examiner</b><br>LISA M. SOLOMON   | <b>Art Unit</b><br>2861             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) 1-37,39,44-46,48-58 and 60-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38,40-43,47 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/28/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 38, 42, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (6,652,068) in view of Baker et al. (5,052,271) and Koitabashi et al. (6,390,578).

In re claim 38, *Hsu et al. (068)* teaches an ink jet print head (210, Fig. 16) [Column 5 lines 32-36] comprising a print head matrix (210, 220, Fig. 16) [Column 5 lines 34-36], the matrix (210, 220) having a plurality of nozzles (112, Fig. 16) [See Fig. 16] for bubble formation and expulsion opening onto a print side surface (side of printhead where nozzle layer (102, Fig. 16) is mounted) of said matrix [Column 3 lines 36-39] and a plurality of local reservoirs (132, 134, 136, 196, and 216, Fig. 16), wherein each of said local reservoirs (132, 134, 136, 196, and 216) is configured to supply ink to at least respective nearby nozzle of said nozzles [Column 5 lines 47-53, See also Fig. 16], said local reservoirs (132, 134, 136, 196, and 216) opening onto an ink supply surface (bottom half of print cartridge (220, Fig. 16)) of said matrix [See Fig. 16] and wherein each one of said plurality of nozzles (112) is arranged with its own respective local ink detaining storage reservoir (132, 134, 136, 196, and 216) [Column 5 lines 47-53, See Fig. 16].

However, Hsu et al. (068') does not teach ink supplied at atmospheric pressure by capillary action.

*Baker et al. (271')* teaches ink supplied to at least respective nearby nozzle of said nozzles by capillary action [Abstract lines 1-11, Column 3 lines 5-12, See also Fig. 2].

However, Baker et al. (271') does not teach ink supplied to at least respective nearby nozzle of said nozzle at atmospheric pressure by capillary action.

*Koitabashi et al. (578')* teaches ink supplied to at least respective nearby nozzle of said nozzle at atmospheric pressure by capillary action [Column 5 lines 59-65, Column 8 lines 25-35, Column 27 lines 58-66, Column 28 lines 14-27].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide ink supplied to at least respective nearby nozzle of said nozzles by capillary action as taught by Baker et al. (271') and to provide ink supplied to at least respective nearby nozzle of said nozzles at atmospheric pressure by capillary action as taught by Koitabashi et al. (578') in the inkjet printhead of Hsu et al. (068') for the purposes of feeding ink to the printhead [Baker et al. (271') Abstract lines 7-11] and for the purposes of maintaining the internal pressure of the ink supply portion at a predetermined level [Koitabashi et al. (578') Column 28 lines 33-36].

In re claim 42, *Hsu et al. (068')* in view of *Baker et al. (271')* and *Koitabashi et al. (578')* teaches the ink jet print head of claim 38 [see rejection above]. However, Baker

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et al. (271') does not teach wherein said print side surface and said ink supply surface are respectively opposite sides of said matrix.

*Hsu et al. (068')* further teaches wherein said print side surface (the side of the printhead where the nozzle layer (102) is mounted) and said ink supply surface (bottom of the print cartridge (220)) are respectively opposite sides of said matrix (210, 220) [See Fig. 16].

In re claim 59, *Hsu et al. (068')* teaches an ink jet printing head (210, Fig. 16) comprising a plurality of nozzles (112, Fig. 15 and 16) for forming and expelling ink droplets for printing onto a print medium [Column 3 lines 36-39], wherein the plurality of nozzles (112) is arranged into a two dimensional grid substantially to be coextensive with a standard size print medium [See Fig. 15], the inkjet printing head (210) further comprises a plurality of local ink-detaining reservoirs (132, 134, 136, 196, 216, Fig. 16), and each of said local reservoirs is configured to supply ink to at least one respective nearby nozzle [Column 3 lines 36-38, Column 5 lines 47-53].

However, *Hsu et al. (068')* does not teach ink supplied at atmospheric pressure by capillary action.

*Baker et al. (271')* teaches ink supplied to at least respective nearby nozzle of said nozzles by capillary action [Abstract lines 1-11, Column 3 lines 5-12, See also Fig. 2].

However, *Baker et al. (271')* does not teach ink supplied to at least respective nearby nozzle of said nozzle at atmospheric pressure by capillary action.

*Koitabashi et al. (578')* teaches ink supplied to at least respective nearby nozzle of said nozzle at atmospheric pressure by capillary action [Column 5 lines 59-65, Column 8 lines 25-35, Column 27 lines 58-66, Column 28 lines 14-27].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide ink supplied to at least respective nearby nozzle of said nozzles by capillary action as taught by Baker et al. (271') and to provide ink supplied to at least respective nearby nozzle of said nozzles at atmospheric pressure by capillary action as taught by Koitabashi et al. (578') in the inkjet printhead of Hsu et al. (068') for the purposes of feeding ink to the printhead [Baker et al. (271') Abstract lines 7-11] and for the purposes of maintaining the internal pressure of the ink supply portion at a predetermined level [Koitabashi et al. (578') Column 28 lines 33-36].

Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (6,652,068) in view of Baker et al. (5,025,271) and Koitabashi et al. (6,390,578) as applied to claims 38, 42, and 59 above, and further in view of Hermanson (5, 581,284).

In re claim 40, *Hsu et al. (068')* in view of *Baker et al. (271')* and *Koitabashi et al. (578')* teaches the ink jet print head of claim 38 [see rejection above].

However, Baker et al. (271') and Koitabashi et al. (578') both do not teach wherein said matrix is arranged into a substantially rectangular printing area dimensioned to give simultaneous printing coverage of standard sized printing media upon being placed substantially over said standard sized printing media.

Hsu et al. (068') further teaches wherein said matrix is arranged into a substantially rectangular printing area dimensioned to give simultaneous printing coverage of standard sized printing media upon being placed substantially over said standard sized printing media [See Fig. 15, Column 7 lines 4-6].

In re claim 41, *Hsu et al. (068' in view of Baker et al. (271') and Koitabashi et al. (578')* teaches the ink jet print head of claim 40 [see rejection above].

Hsu et al. (068') further teaches arranged for printing on said standard sized printing media during a period of unchanged relative displacement between said print head and said printing media [Hsu et al. (068') See Fig. 15, Column 7 lines 4-6].

However, Hsu et al. (068'), Baker et al. (271'), and Koitabashi et al. (578') do not explicitly teach the inkjet printhead to be a pagewidth or serial printer.

*Hermanson (284')* teaches an inkjet printhead which can be used as a pagewidth or serial printer [Column 6 lines 44-50].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the inkjet printhead of Hsu et al. (068') in an inkjet printer or apparatus and for such an inkjet printhead to be capable of use as a pagewidth or serial printhead as taught by Hermanson (284') in the inkjet head of Hsu et al. (068') in view of Baker et al. (271') and Koitabashi et al. (578') for the purposes of extending the life of the printhead [Hermanson (284') Column 1 lines 6-8]. Therefore, the inkjet printhead

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matrix is capable of being arranged into a substantially rectangular printing area dimensioned to give simultaneous printing coverage of standard sized printing media and arranged for printing on said standard sized printing media during a period of unchanged relative displacement between said print head and said printing media.

(Claims 40-41).

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (6,652,068) in view of Baker et al. (5,025,271) and Koitabashi et al. (6,390,578) as applied to claims 38-42 and 59 above, and further in view of Kurata et al. (2001/004610).

In re claim 43, *Hsu et al. (068')* in view of *Baker et al. (271')* and *Koitabashi et al. (578')* teaches the ink jet print head of claim 38 [see rejection above]. However, *Hsu et al. (068')*, *Baker et al. (271')*, and *Koitabashi et al. (578')* do not teach the ink jet head further comprising further comprising an ink distribution device associated with said ink supply surface for distributing ink to reach said local ink reservoirs.

*Kurata et al. (2001/0040610)* teaches ink jet head further comprising an ink distribution device associated with said ink supply surface for distributing ink to reach said local ink reservoirs [Paragraph 50 lines 12-20, Paragraph 52, Paragraphs 57-58].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an ink distribution device associated with said ink supply surface for distributing ink to reach said local ink reservoirs as taught by *Kurata et al. (2001/0040610)* in the ink jet head of *Hsu et al. (068')* in view of *Baker et al. (271')* and

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Koitabashi et al. (578') for the purposes of replenishing ink into the ink reservoirs [Kurata et al. (2001/0040610) Paragraph 57 lines 3-6].

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (6,652,068) in view of Baker et al. (5,025,271), Koitabashi et al. (6,390,578), and Kurata et al. (2001/004640) as applied to claims 38-43 and 59 above, and further in view of Cowger et al. (5,010,354).

In re claim 47, *Hsu et al. (068')* in view of *Baker et al. (271')*, *Koitabashi et al. (578')*, and *Kurata et al. (2001/0040610)* teaches the ink jet print head of claim 43 [see rejection above]. However, *Hsu et al. (068')*, *Baker et al. (271')*, *Koitabashi et al. (578')*, and *Kurata et al. (2001/0040610)* do not teach the ink distribution device is a tubeless distribution device.

*Cowger et al. (354')* teaches an ink distribution device is a tubeless distribution device [Column 2 line 55-Column line 6].

It would have been obvious to one of ordinary skill of the art at the time the invention was made to provide a tubeless ink distribution device as taught by Cowger et al. (354') in the ink jet head of *Hsu et al. (068')* in view of *Baker et al. (271')*, *Koitabashi et al. (578')*, and *Kurata et al. (2001/0040610)* for the purpose of maintaining pressure within an ink reservoir at less than ambient pressure [Cowger et al. (354') Column 2 line 68-Column 3 lines 3].

***Response to Arguments***

3. Applicant's arguments with respect to claims 38, 40-43, 47, and 59 have been considered but are moot in view of the new ground(s) of rejection.

However, the Examiner would like to address the argument regarding the prior art Baker et al. not using capillary action to supply or feed ink to the respective nozzles. The Applicant has wrongly drawn the conclusion that use of a sponge or porous foam material as indicated in the prior art Baker et al. is generally problematic when using capillary action as it is impossible to clean if the ink dries thus implying that Baker is not using capillary action. The prior art Baker et al. clearly teaches in its Abstract and subsequent "Best Mode For Carrying Out The Invention" section that the ink is supplied or fed via capillary force or action. The Applicant can specifically refer to the portion of the Abstract that read as thus: "A porous foam material is mounted within the housing and is operative to receive and retain a supply of ink for feeding the ink by capillary action through the openings in the support surface and to the inkjet printhead". Furthermore, the Applicant can refer to the portion of the "Best Mode For Carrying Out The Invention" section of the prior art Baker, column 3 lines 5-12, cited in the above Office Action. In addition, if the prior art reads on the claimed invention, the prior art does not have to solve the same problem, hint at, or provide a solution to the same problem.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA M. SOLOMON whose telephone number is (571)272-1701. The examiner can normally be reached on Monday - Friday from 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW LUU/  
Supervisory Patent Examiner, Art Unit 2861

Lisa M Solomon  
Examiner  
Art Unit 2861